

**Introduced by Senator Poochigian**February 21, 2006

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An act to add Section 530.55 to the Penal Code, relating to crime.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1388, as introduced, Poochigian. Phishing.

Existing law provides that it is unlawful for any person by means of a Web page, electronic mail message, or otherwise through use of the Internet, solicit, request, or take any action to induce another person to provide identifying information by representing itself to be a business without the authority or approval of the business.

This bill would provide that engaging in that activity is a crime punishable by a fine not exceeding \$1,000, imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding \$10,000, imprisonment in the state prison, or by both that fine and imprisonment.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 530.55 is added to the Penal Code, to  
2     read:

1     530.55. (a) Every person who engages in unlawful phishing  
2 is guilty of a public offense, and upon conviction therefor, shall  
3 be punished by a fine not to exceed one thousand dollars  
4 (\$1,000), imprisonment in a county jail not to exceed one year, or  
5 by both that imprisonment and fine, or by a fine not to exceed ten  
6 thousand dollars (\$10,000), imprisonment in the state prison for  
7 16 months, or two or three years, or by both that fine and  
8 imprisonment.

9     (b) For purposes of this section “unlawful phishing” means the  
10 activity defined in Section 22948.2 of the Business and  
11 Professions Code.

12     (c) Nothing in this section shall preclude prosecution under  
13 both this section and Section 530.5, or any other provision of  
14 law.

15     SEC. 2. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the  
20 penalty for a crime or infraction, within the meaning of Section  
21 17556 of the Government Code, or changes the definition of a  
22 crime within the meaning of Section 6 of Article XIII B of the  
23 California Constitution.